

REMARKS/ARGUMENTS

In the final Office Action, the Examiner rejects Claims 12-16 under 35 U.S.C. § 112, second paragraph, as being indefinite and under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner rejects Claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,659,768 to Forbes et al.

Applicant submits that in light of the amendment to independent Claim 12, Claims 12-16 are definite and recite statutory subject matter. Applicant submits that the amendment is for clarification only and does not raise new issues. Furthermore, Applicant submits arguments that Claims 1, 6, 11, and 12 are patentably distinguishable from Forbes. In light of the claim amendments and subsequent remarks explained more fully below, Applicant respectfully requests reconsideration and allowance of the claims.

A. Rejections of Claims 12-16 under 35 U.S.C. § 112, ¶ 2, and § 101

The Examiner finds that Claims 12-16 are indefinite under § 112, second paragraph, because there are no structural elements recited that would render the claims an apparatus, and a graphical user interface cannot include a computer-readable storage medium with computer-readable instructions. The Examiner bases the rejection under § 101 on similar grounds, as Claims 12-16 purportedly disclose non-functional descriptive material and do not clearly fall within a statutory class of invention.

Although Applicant disagrees with the rejection as set forth below, Applicant has amended Claim 12 to further recite a graphical user interface for selecting dates in an interactive calendar in a data processing system, wherein the data processing system includes a computer-readable storage medium having computer-readable instructions stored therein. Moreover, Claim 12 has been amended to positively recite that the computer-readable instructions are configured to generate an initial view and a new view when executed. MPEP § 2106 states that: "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." As such, independent Claim 12 recites statutory subject matter and includes functional

descriptive material. Therefore, Applicant respectfully submits that the rejections under §§ 112 and 101 are overcome.

B. Rejection of Claims 1-16 under 35 U.S.C. § 103(a)

The Examiner rejects Claims 1-16 as being unpatentable over Forbes. Applicant submits that the claims are currently distinguishable from Forbes. In this regard, Claims 1 and 6 recite the step of comparing a chronological relationship between dates prior to determining the start date and end date. The Examiner contends that the Applicant has not set forth a specific definition of “date,” and that the user in Forbes may input the start time of an event and a duration or an end time of the event and, thus, qualifies as inputting dates. However, the preamble of Claim 1 specifically recites a method for designating *dates in an interactive travel calendar*. In addition, the specification of the present application discloses that the calendar interface facilitates the selection of dates for events such as trips, programs, and meetings, and that according to one embodiment, the calendar interface displays a calendar with dates arranged by month (see p. 9, ¶ 28). For example, Figures 3-9 of the present application each illustrate a calendar interface including two months of a calendar year that are employed to select dates. Thus, although Applicant has not explicitly defined “date” in the specification of the present application, the specification discloses that dates correspond to particular days of the year, e.g., June 7 or October 29, and are distinctly different than entering a start time and end time of an event on a “timebar,” which is disclosed by Forbes to be a time of day, e.g., 9am or 11pm.

Furthermore, the Examiner acknowledges that Forbes does not disclose comparing the first and second dates to determine a chronological relationship between the first and second dates and then determining a start date for an event range based on the chronological relationship, as recited by independent Claims 1 and 6. In fact, the Examiner specifically states that “when the user inputs the start time, the chronological relationship between two times has already been compared (the time that occurs first chronologically is the ‘start’ date); in other words, the comparison has been made prior to inputting of the start and end date by the user.” Thus, the Examiner explicitly admits that Forbes does not disclose the comparing and determining steps of independent Claims 1 and 6. Applicant fails to understand how the

Examiner has established a prima facie case of obviousness when the Examiner has acknowledged that Forbes does not teach or suggest each of the limitations of independent Claims 1 and 6. Determining the chronological relationship recited in Claims 1 and 6 is used to determine a start date such that the order of inputting the first date or second date is irrelevant. In contrast, Forbes simply discloses inputting a start time and an end time such that no chronological relationship need be established in order to determine the start time. Therefore, Applicant submits that Forbes clearly does not teach or suggest independent Claims 1 and 6.

Applicant further submits that Forbes does not teach or suggest independent Claim 11, which recites enabling a user to modify the presented information by selecting a third date, wherein the third date is set as a new start date for the event range when the third date falls within the event range, and the set start date was received before the set end date. The third date is set as a new end date for the event range when the third date falls within the event range, and the set end date was received before the set start date. Dependent Claims 4, 5, 9, 10, 15, and 16 provide similar recitations where a new date is received and set as a new start date or end date depending on when the set start date or end date was received.

The Examiner finds that Forbes discloses modifying the presented information by selecting a date that falls within the originally determined event range, as recited by independent Claim 11. However, Forbes only discloses that the start and end times may be modified by dragging either end of a timebar (i.e., the start or end time), or that the user may select a left side of the time bar to change the start time or select a right side of the timebar to change an end time. Thus, even if Forbes discloses modifying a start time or end time, Forbes does not teach or suggest modifying the start time or end time based on when the set start time was received in relation to the set end time. Thus, depending on when the start date or end date was received, a new start date or end date may be set in response to entering a third date that falls within the event range spanning the start and end dates. Simply modifying a start time or end time independently or based on where the user places the cursor on the timebar as disclosed by Forbes in no way teaches or suggests independent Claim 11, which recites that the third date is set as a new start date or end date for the event range when the third date falls within the event range, and the set start date was received before the set end date or the set start date, respectively.

Moreover, Applicant disagrees that Forbes discloses independent Claim 12, which recites that the graphical user interface provides a monthly calendar interface that allows users to select and view event ranges. As indicated above, FIGS. 3-9 of the present application illustrate various monthly calendar interfaces that allow users to select dates and visualize event ranges on the interface. The Examiner relies on Figure 7 of Forbes which illustrates that a monthly calendar view may be used to display events that are already scheduled. However, Forbes does not disclose that the user may interact with the calendar or otherwise select dates on the calendar, which is unlike Claim 12. Conversely, the calendar depicted in Forbes is only for displaying events that are already scheduled rather than actually using the calendar as an interface for selecting dates to determine an event range. Claim 12 specifically recites “generat[ing] an initial view including a monthly calendar interface for users to *select* event ranges.” Rather, Forbes discloses that users may enter the start time and end time or duration, and that the start and end times may be changed by moving the ends of the timebar. Only previously scheduled events are displayed on the calendar of Forbes. In fact, Forbes discloses that “[t]he invention depicts the placement of an event in time by providing a display of a standard Gregorian calendar on which tasks previously scheduled on certain days are shown” (col. 2, lines 63-65) and that “[d]isplay of the provided Gregorian calendar graphically depicts scheduling timeframes as well as identifies days on which events are already scheduled” (col. 8, lines 61-64). Therefore, Forbes clearly does not disclose that the monthly calendar is a graphical user interface that allows users to select dates and view the selected event range, as recited by independent Claim 12.

Therefore, in light of aforementioned remarks, Applicant submits that the rejection of independent Claims 1, 6, 11, and 12, and those claims that depend therefrom, under 35 U.S.C. § 103(a) is overcome.

CONCLUSION

In view of the amendments and remarks presented above, which do not raise new issues, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON March 12, 2007.

LEGAL01/13036875v1